

Remarks

No amendments to the claims are believed to be required in response to the outstanding final Office Action as the remarks set forth below are believed to place the application in condition for immediate allowance. No new issues requiring a further search are raised and the Examiner is thus respectfully requested to enter and consider this Response.

Accordingly, upon entry of this Amendment, claims 1-12 and 22-25 remain pending. Of those claims, claim 1 is independent.

In the outstanding Office Action, claims 1-12 and 22-25 are rejected under 35 USC Section 103(a) as being unpatentable over Hockaday (US Patent No. 6,326,097, hereinafter "Hockaday") in view of Pratt et al. (US Patent Publication 2003/0194589, hereinafter "Pratt").

The foregoing rejection is respectfully disagreed with, and is traversed below.

Embodiments of the invention as recited in independent claim 1 relate to a fuel supply device. The fuel supply device comprises a data interface configured to receive data from a mobile electronic device, a fuel reservoir for storing fuel comprising hydrogen and a fuel interface for connection with the mobile electronic device. The fuel supply device also comprises a transfer mechanism for transferring fuel comprising hydrogen from the reservoir to the fuel interface and into the connected mobile electronic device in dependence upon the data received from the mobile electronic device.

Hockaday discloses, in the embodiment illustrated in Figs 7A and 7B, a fuel dispenser 39 which may be used to refill a fuel cell in a cell phone. Fuel is wicked from the fuel dispenser 39 by capillary action to the fuel cell manifold via the needle 37. Power from the fuel cell may then be delivered to the cell phone.

The embodiments illustrated in Figs 6 and 8 of Hockaday also show fuel being transferred from a fuel reservoir within a cell phone to a fuel cell.

However, as recognized by the Examiner, none of the embodiments disclosed in Hockaday disclose a fuel supply device comprising a data interface configured to receive data from a mobile electronic device nor do they disclose a transfer mechanism for transferring fuel comprising hydrogen in dependence upon the data received from the mobile electronic device.

The Examiner maintains that these features are disclosed in Pratt.

Pratt discloses a fuel cell power source for providing power to a load device. The fuel cell power source comprises a fuel storage container, which serves as a fuel source, a fuel storage container controller for controlling the fuel storage container, a fuel cell system, an information storage device, and a control means. The control means controls the operation of other components in the fuel cell power source. The control means is configured to query the coupled load device for information and store this information in the information storage device. The control means also computes the net power loading requirements of the load device by combining and matching the dynamic load requirements of the load device with the historic use pattern of the specified device user. The control means continues to adjust the operating point of the fuel cell system, therefore controlling the voltage and current output of the fuel cells contained within the fuel cell system. Therefore electrical power is transferred between the fuel cell power source and the load device.

Pratt does not disclose or suggest a transfer mechanism configured to transfer fuel in response to data received from a mobile electronic device. Pratt only discloses the transfer of power. Therefore even if a person skilled in the art were to consider combining Hockaday with Pratt (and Applicant does not admit any reason to make such combination) the result could not be the claimed invention because even in combination Hockaday and Pratt fail to disclose or suggest all of the features recited in independent claim 1.

Moreover, even if the Examiner asserts that it would be obvious to a person skilled in the art to modify the teachings of both Hockaday and Pratt so as to produce something falling within the terms of the claim, the Applicant maintains that this is cannot be the case because there would be no motivation or reason to do so as this, for example, would make the fuel dispenser of Hockaday unnecessarily complicated.

In order to produce something falling within the terms of the claims it would be necessary to make substantial modifications to both the fuel dispenser 39 and the cell phone disclosed in Hockaday. For example, it would be necessary to provide the fuel dispenser with a data interface, among other features. There is no need for such features in Hockaday because in Hockaday the fuel transfer is controlled by squeezing the fuel dispenser 39. There is no need for any complicated electronics within the fuel dispenser itself and there is no reason the addition of such features would even be considered.

Furthermore, the addition of a data interface to the fuel dispenser would also require substantial modifications to be made to the cell phone because it would be necessary for the cell phone to collect data and then be configured to provide this to the fuel dispenser. There would be no motivation or reason to do this based in the teaching of Hockaday. Hockaday teaches that a fuel tank may have a transparent window so that it can be seen when the fuel store within the fuel tank is depleted (column 6 line 65 to column 7 line 1). There is no reason why a person skilled in the art would consider making any modifications to the teaching of Hockaday.

Even if a person skilled in the art were to consider modifying the teaching of Hockaday to introduce the teaching of Pratt (and Applicant maintains there is no reason to make this combination), Pratt teaches controlling the power transfer and not the fuel transfer. There is no teaching in Pratt, which would motivate a person skilled in the art to modify the fuel dispenser 39 of Hockaday so as to produce something falling within Applicant's claimed subject matter.

Therefore, Applicant maintains that the subject matter recited in independent claim 1 is new and non-obvious in view of the cited art. Accordingly, all remaining dependent claims also are believed to be patentable at least in view of their dependency from an allowable independent claim.

All issues having been addressed, the subject application is believed to be in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejection. A favorable consideration that results in the allowance of all of the pending claims is earnestly solicited.



Should the Examiner have any questions, a call to the undersigned would be appreciated.

Respectfully submitted:

Christine Wilkes Beninati 12/16/08
Christine Wilkes Beninati Date
Reg. No.: 37,967

Customer No.: 29683
HARRINGTON & SMITH, PC
4 Research Drive
Shelton, CT 06484-6212
Phone: (203) 925-9400
Facsimile: (203) 944-0245

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12.16.2008
Date

Jessica R.
Name of Person Making Deposit